

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
OFFICE OF FINANCIAL AND INSURANCE SERVICES

Before the Commissioner of the Office of Financial and Insurance Services

In the matter of:

Express Consolidation

Enforcement Case No. 06-4277

Randall L. Leshin, Esq.

Respondents

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Issued and entered  
On December 5, 2006  
by Richard D. Lavolette,  
Chief Deputy Commissioner

**ORDER TO CEASE AND DESIST**

The Office of Financial and Insurance Services (OFIS) of the Michigan Department of Labor & Economic Growth, pursuant to the Michigan Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*; the Debt Management Act, 1975 PA 148, as amended; MCL 451.411 *et seq.* (Act), and the rules promulgated under the Act, says that:

**I.**

**BACKGROUND**

1. Respondent Express Consolidation (hereinafter "EXPRESS") is a business located at 413 NE 3<sup>rd</sup> Street, Delray Beach FL, 33483.
2. Respondent Randall L. Leshin, Esq., (hereinafter "Leshin") is an agent of EXPRESS and is located at 413 NE 3<sup>rd</sup> Street, Delray Beach, FL 33483.
3. OFIS is responsible for the licensing and regulation of debt management companies and the enforcement of the provisions of the Act.
4. At all times pertinent to the matter herein, Respondents EXPRESS and Leshin were not licensed by OFIS to conduct debt management services in the State of Michigan.
5. On or about May 5, 2005, Respondent EXPRESS entered into a debt management contract with a Michigan consumer.

6. On or about January 26, 2006, OFIS received a complaint from alleging that Respondent EXPRESS failed to pay creditors in a timely manner, neglected to make payments to creditors, and failed to address concerns. had regarding the foregoing conduct and the resulting late charges.
7. On June 3, 2005, provided Respondent EXPRESS with a voided check and authorized Respondent EXPRESS to process debit entries from her checking account each month until the debts were paid in full, or the authorization had been terminated or altered. This authorization allowed Respondent EXPRESS to debit \$552.00 every month from checking account. The first debit entry took place on June 6, 2006.
8. Respondent EXPRESS charged a \$49.00 monthly fee for administering the debt management plan.
9. On February 16, 2006, OFIS sent, by certified mail, a letter to Respondent Leshin requesting certain information about EXPRESS's debt management business. Respondents failed to respond within the required timeframe set forth in the Act to the February 2006 letter.
10. On March 15, 2006, OFIS received a response from Greenspoon Marder, a firm representing the Respondent, Express Consolidation, indicating that Express Consolidation did not engage in the business of debt management in Michigan. However, the letter failed to provide OFIS with the information it requested in the aforementioned letter.
11. Via certified mail, on March 15, 2006, OFIS sent Respondent Leshin a letter requesting certain information about EXPRESS debt management business. Respondent failed to respond within the required timeframe set forth in the Act to the March 2006 letter.

WHEREAS, Section 2(a) of the Act, MCL 451.412(a), states that the business of debt management means providing or offering to provide debt management to 1 or more residents of this state; and

WHEREAS, Section 2(d) of the Act, MCL 451.412(d) of the Act, MCL 451.412(d), states that debt management means the planning and management of the financial affairs of a debtor and the receipt of money from the debtor for distribution to a creditor in payment or partial payment of the debtor's obligations; and

WHEREAS, OFIS has information that Respondents EXPRESS and Leshin are engaged in debt management and/or the business of debt management within the State of Michigan; and

WHEREAS, Section 4(1) of the Act, MCL 451.414(1), requires all persons located within or outside the boundaries of the State of Michigan to be licensed in order to conduct debt management business in the State of Michigan; and



WHEREAS, Respondents EXPRESS and Leshin are not licensed with the State of Michigan under the Act; and

WHEREAS, Section 4(1) of the Act, MCL 451.414(1), provides that a contract of debt management as defined by this Act made by a person without a license is null and void; and

WHEREAS, Section 23(3)(b) of the Act, MCL 451.433(3)(b), permits the Commissioner to require a statement in writing regarding the facts and circumstances surrounding the matter to be investigated and that the statement be filed with OFIS within 15 days; and

WHEREAS, on or about February 16, 2006 and March 15, 2006, OFIS requested information from Respondent Leshin regarding EXPRESS's debt management practice in the State of Michigan. OFIS received an untimely and insufficient response from Respondents Leshin and EXPRESS on March 15, 2006; and

WHEREAS, based on the foregoing, OFIS staff recommends that the Commissioner finds that Express Consolidation is engaged in acts or practices that violate Section 4, and 23 of the Act and Rules promulgated under the Act; and

WHEREAS, this action is necessary, appropriate and in the public interest for the protection of the public and consistent with the purposes fairly intended by the policy and provisions of the Act.

**IT IS THEREFORE ORDERED** that, pursuant to Section 23 of the Act, MCL 451.433, and Section 24 of the Act, MCL 451.434, that:

1. Respondents Leshin and EXPRESS shall immediately CEASE AND DESIST from transacting the business of debt management in the State of Michigan without being licensed under the Act.
2. Within 30 days of the issuance and entry of this Order, Respondents Leshin and EXPRESS shall immediately cancel any and all debt management contracts they have with residents of the State of Michigan.
3. Within 30 days of the issuance and entry of this Order, Respondents Leshin and EXPRESS shall refund all the fees Respondent EXPRESS collected from Michigan residents who entered into a debt management contract with Respondents Leshin or EXPRESS.
4. Respondents Leshin and EXPRESS shall provide their Michigan clients with a list of debt management companies licensed by OFIS, and transfer all of their Michigan accounts to a Michigan licensed debt management company, within 30 days of the issuance and entry of this Order.

5. Within 30 days of the issuance and entry of this Order, Respondents Leshin and EXPRESS shall provide OFIS with written documentation indicating that they have provided their Michigan clients with a list of Michigan licensed debt management companies, and transferred their Michigan client accounts to a debt management company licensed by OFIS.
6. Respondents Leshin and EXPRESS shall, within 30 days of the issuance and entry of this Order, provide OFIS with the name(s) of the licensed debt management company they have transferred their Michigan client accounts to. This document shall also include the names and addresses of the Michigan residents whose accounts have been transferred to a licensed debt management company.
7. Respondents Leshin and EXPRESS shall refund \_\_\_\_\_, within 30 days of the issuance and entry of this Order, all of the fees Respondent EXPRESS collected from \_\_\_\_\_ for administering her debt management plan.
8. Failure to comply with this ORDER will subject Respondents Leshin and EXPRESS to one or more of the following:
  - (a) A person who knowingly authorizes, directs, or aids in violation of a final cease and desist order, or who knowingly fails to comply with the terms of a final cease and desist order, is guilty of a misdemeanor, and may be fined not more than \$5,000.00, or imprisoned for not more than 6 months, or both. Each violation constitutes a separate offense.
  - (b) A person who violates an injunction or a cease and desist order issued pursuant to this act is guilty of criminal contempt.
9. Any other communication regarding this Order should be addressed to the Office of Financial and Insurance Services, Office of General Counsel, Attention: William Peattie, Staff Attorney, P.O. Box 30220, Lansing, Michigan 48909.

MICHIGAN DEPARTMENT OF  
LABOR & ECONOMIC GROWTH



Richard D. Lavolette  
Chief Deputy Commissioner  
Office of Financial and Insurance Services